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Defense Contractor Textron Systems Corporation to Pay \$1 Million for Natural Resource Damages at Massachusetts Military Reservation

Settlement is Commonwealth's Largest-Ever Groundwater Natural Resource Damage Recovery

BOSTON – Attorney General Martha Coakley and Energy and Environmental Affairs Secretary Ian Bowles today entered into a \$1 million Natural Resource Damages (NRD) settlement with Textron Systems Corporation of Wilmington, a defense contractor that conducted weapons testing in a section of the Massachusetts Military Reservation that constitutes a major groundwater recharge area for the Cape Cod Aquifer.

The settlement resolves the state's NRD claims against Textron Systems, and is the largest state-only recovery for groundwater NRD ever obtained by Commonwealth. Filed jointly with the US Department of Justice in US District Court, the consent decree also addresses and resolves related federal claims. NRD is a category of legal damages defined by various state and federal statutes as compensation for injury to, destruction of, or loss of natural resources, including the reasonable costs of a damage assessment. This settlement covers Textron's share of the cost of restoring injured resources to their baseline condition, compensation for the interim loss of damaged resources, and the reasonable cost of conducting damage assessment.

From 1968 to 1999, Textron Systems Corporation (TSC) or its predecessors, under contracts with the US Department of Defense, conducted munitions testing in the area of J-3 Range at Massachusetts Military Reservation (MMR). MMR is a 20,000-acre area of Upper Cape Cod that includes the Massachusetts Air and Army National Guard, and Coast Guard command centers. J-3 Range lies above several wellhead protection areas that supply drinking water for approximately 147,772 permanent and 424,445 peak seasonal residents of Cape Cod.

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The Commonwealth claims that TSC's development and explosive testing of tactical weapons systems for the US Army and Air Force contaminated the groundwater with the hazardous material and weapons propellant perchlorate – an inorganic chemical that is highly mobile in water and can persist for years under typical conditions. In agreeing to the settlement, TSC does not admit liability for these activities.

“Today's settlement represents an important step toward funding the restoration of natural resources on Cape Cod, including public drinking water resources that have been damaged at MMR,” said Attorney General Coakley. “While MMR serves as an important military training facility for our national defense, the environmental impacts from those activities must be adequately restored to protect the health and welfare of Cape Cod citizens. We are pleased that Textron Systems Corporation has agreed to resolve these claims and fund the restoration of natural resources.”

In his capacity as Governor Deval Patrick's Trustee of the state's natural resources, Secretary Bowles will determine how to use the \$1 million designated as the Commonwealth's portion of the settlement. As the Commonwealth considers restoration alternatives for the MMR area, proposed restoration projects will be developed with public input and subject to public comment before implementation.

Today's consent decree also resolves federal claims by the US Environmental Protection Agency (EPA), Department of Defense, and federal trustees Department of the Interior and National Oceanic and Atmospheric Administration (NOAA). The federal-only NRD portion of the settlement is \$300,000.

“I'm pleased to join Attorney General Coakley in announcing this settlement, which will provide the Commonwealth with substantial funds to mitigate groundwater contamination at the Massachusetts Military Reservation, through means such as land acquisition and watershed protection,” Secretary Bowles said. “Massachusetts citizens have a basic right to clean drinking water, and, as Trustee of this important natural resource, I intend to put this money to the best possible use on their behalf.”

As part of the settlement, which is subject to a 120 day public comment period and court approval, TSC will pay additional funds to the federal government and perform further cleanup, including:

- \$5.6 million to the Army for cleanup costs;
- \$800,000 to the EPA for cleanup costs; and
- Removal of contaminated soil and debris at the J-3 Range.

Assistant Attorney General Matt Brock of the Attorney General's Environmental Protection Division handled this case in coordination with Executive Office of Energy and Environmental Affairs Deputy General Counsel Alicia McDevitt and Program Director for Natural Resources Dale Young.

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